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**From:** Competitive Enterprise Institute [events@cei.org]  
**Sent:** 11/11/2020 4:02:25 PM  
**To:** Benevento, Douglas [benevento.douglas@epa.gov]  
**Subject:** Invite: Big White Ghetto Book Forum feat. Kevin Williamson 11/18/20

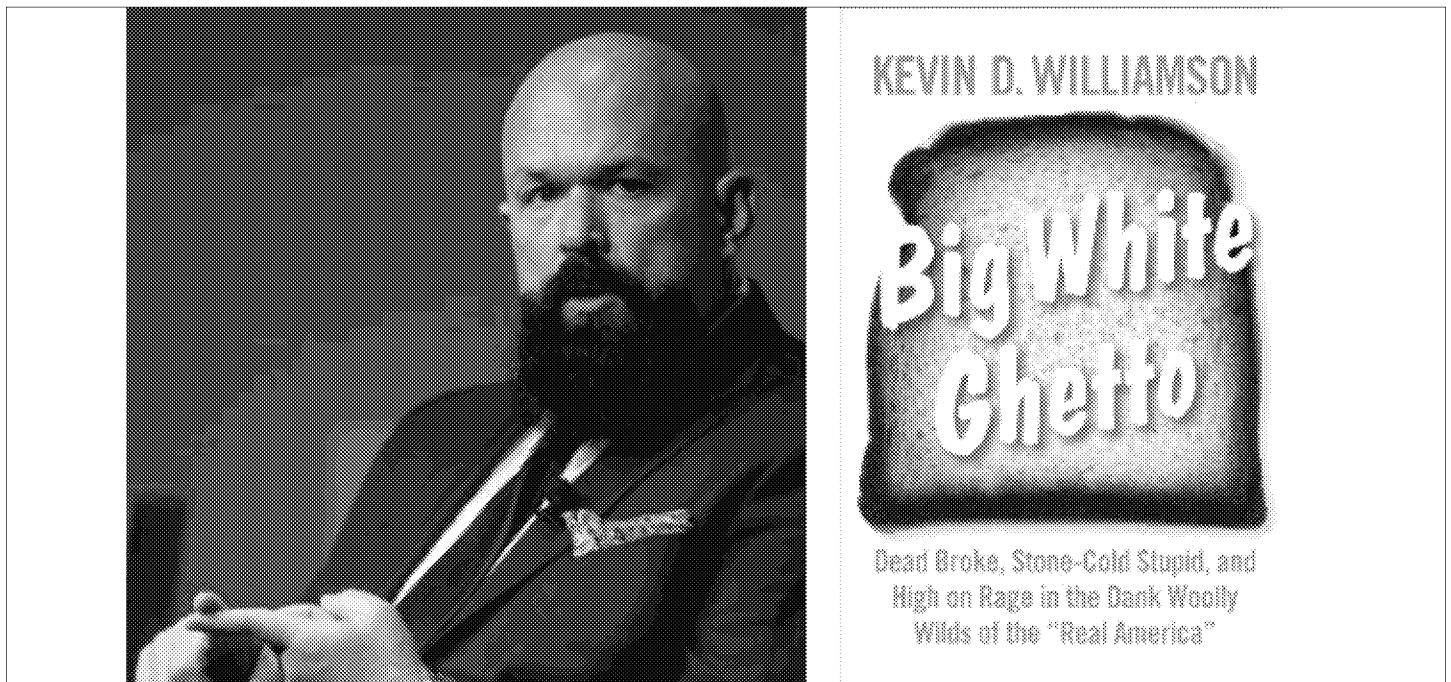
Save the Date—CEI Annual Dinner 6/17/20



*Big White Ghetto: Dead Broke, Stone-Cold Stupid,  
and High on Rage in the Dank Woolly Wilds of  
the "Real America"*

Book Forum Featuring Kevin D. Williamson

Wednesday, November 18, 2020



In the forthcoming *Big White Ghetto: Dead Broke, Stone-Cold Stupid, and High on Rage in the Dank Woolly Wilds of the "Real America"*, Kevin Williamson combines years of reporting into a narrative of forgotten communities across the country. The

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Join CEI for an online book forum the week *Big White Ghetto* is released with Kevin Williamson, a prolific and singular voice of his generation, in conversation with Kent Lassman.

Kevin D. Williamson, Author and Roving Correspondent, *National Review*

Kent Lassman, President, Competitive Enterprise Institute

**Wednesday, November 18, 2020**

**12:00 - 1:00 pm EST**

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**Kevin D. Williamson** is the roving correspondent for *National Review* and author, most recently of *Big White Ghetto: Dead Broke, Stone-Cold Stupid, and High on Rage in the Dank Woolly Wilds of the “Real America”* and *The Smallest Minority: Independent Thinking in the Age of Mob Politics*, among many others. His work has appeared everywhere from *The Washington Post* to *Academic Questions* to *Playboy*. He began his journalism career at the Bombay-based Indian Express Newspaper Group. He has served as the theater critic for *The New Criterion* and taught at King’s College, New York.

**Kent Lassman** is President and CEO of the Competitive Enterprise Institute. He oversees strategy for the organization, including management of a team of policy,

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**Sent:** 12/1/2020 2:20:32 PM  
**To:** Benevento, Douglas [benevento.douglas@epa.gov]  
**Subject:** TODAY: Independent Agencies on the Docket feat. Richard Epstein, John Berlau & Devin Watkins 12/1/20

Save the Date—CEI Annual Dinner 6/17/20



*On the Docket: Independent Agencies*

Featuring Richard A. Epstein, John Berlau, and Devin Watkins

Online Event

Tuesday, December 1, 2020



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from Fannie Mae and Freddie Mac's private shareholders, which other lawsuits have characterized as an unconstitutional "taking."

At stake is the future of the conservatorships of Fannie Mae and Freddie Mac, property rights, and the legitimacy of agencies insulated from presidential control and the administrative state writ large.

Join CEI for an online discussion about the major issues of the case with one of the most cited law professors in the U.S., Richard A. Epstein, whose seminal book *Takings: Private Property and the Power of Eminent Domain*, will play a central role in this decision. He will be joined in conversation by CEI Senior Fellow and finance expert John Berlau, Attorney Devin Watkins, and President Kent Lassman.

Richard A. Epstein, Laurence A. Tisch Professor of Law, NYU School of Law

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*Administrative State; The Classical Liberal Constitution: The Uncertain Quest for Limited Government; Supreme Neglect: How to Revive the Constitutional Protection of Property Rights; and Takings: Private Property and the Power of Eminent Domain.*

Professor Epstein has taught courses in administrative law, antitrust law, civil procedure, communications, constitutional law, contracts, corporations, criminal law, employment discrimination law, environmental law, food and drug law health law and policy, legal history, labor law, property, real estate development and finance, jurisprudence, labor law; land use planning, patents, individual, estate and corporate taxation, Roman Law; torts, and workers' compensation.

**John Berlau** is a Senior Fellow at the Competitive Enterprise Institute and is the author, most recently, of *George Washington, Entrepreneur*. Berlau's work at CEI focuses on how public policy affects access to capital, entrepreneurship, and investments made by the public and business community alike. He has studied the consequences of financial reform efforts passed by Congress like the Sarbanes-Oxley Act, the Dodd-Frank Act, and the placement of Fannie Mae and Freddie Mac into conservatorship. Before joining CEI, Berlau was an award-winning financial and political journalist.

**Devin Watkins** is an attorney at the Competitive Enterprise Institute. He previously worked at the Cato Institute as a legal associate and interned at the Institute for Justice. At the Cato Institute, Watkins worked on a variety of Supreme Court cases, including a brief cited by the Court. Watkins holds a Juris Doctor cum laude from George Mason University's Antonin Scalia Law School, where he was the development editor on the *Mason Law Review*. Watkins is a member of the Virginia State Bar, the District of Columbia Bar, the U.S. District Court for the District of Columbia Bar, and the U.S. Court of Appeals for the District of Columbia Circuit Bar.

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## Upcoming Events

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Featuring Secretary of the Interior David Bernhardt and Myron Ebell

Tuesday, December 8, 2020

12:00 - 1:00 pm EST

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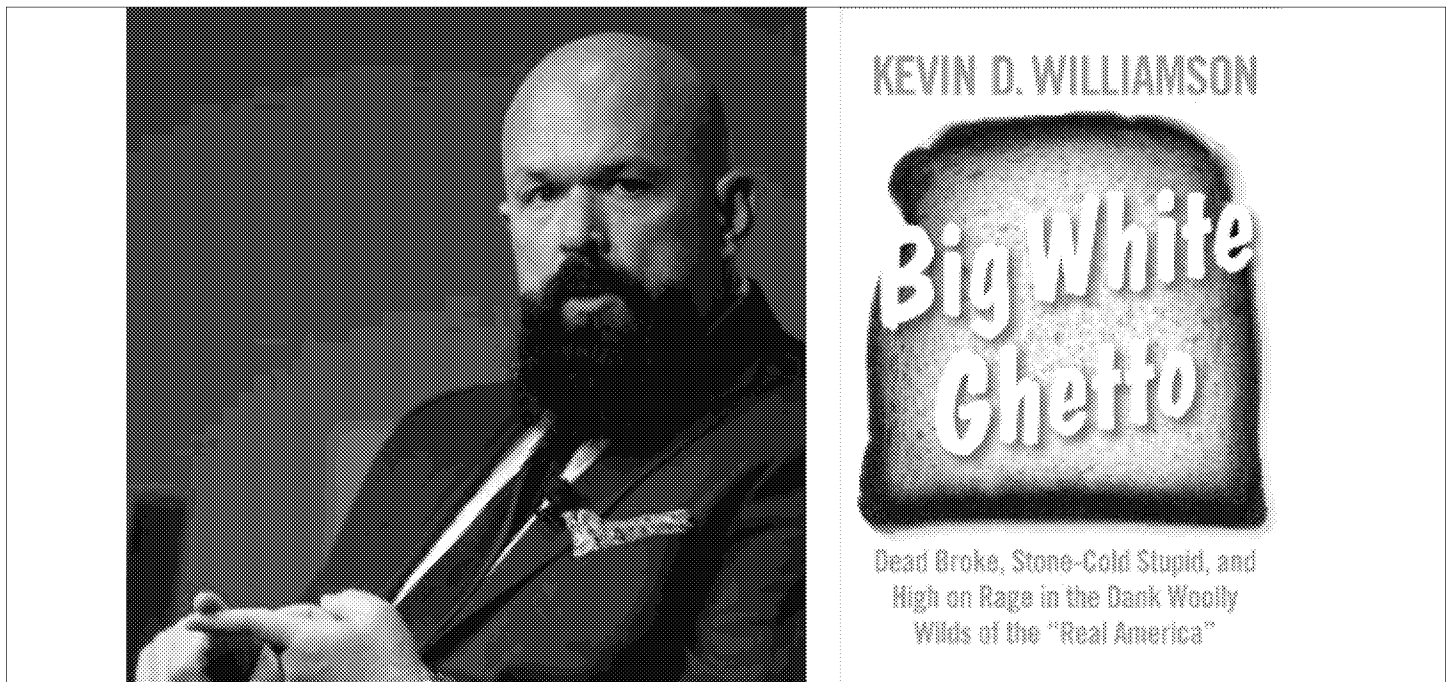
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**Sent:** 12/8/2020 2:21:27 PM  
**To:** Benevento, Douglas [benevento.douglas@epa.gov]  
**Subject:** TODAY: Reforming Federal Lands and the Endangered Species Act feat. Secretary David Bernhardt 12/8/20

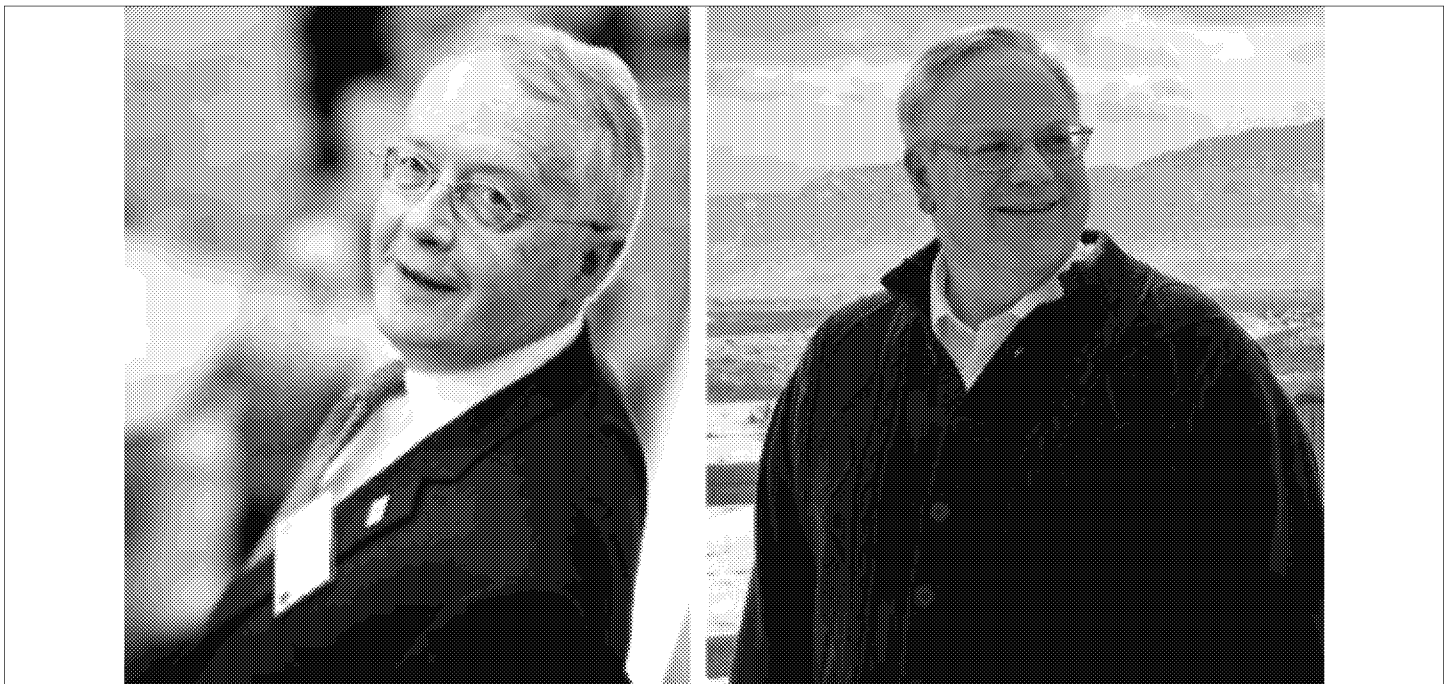
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*Reforming Federal Lands and the Endangered Species Act*

Online Event

Tuesday, December 8, 2020



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The Department of the Interior manages 11 agencies—including the National Park Service, Fish and Wildlife Service, and Bureau of Land Management—and more than 450 million acres, or 20 percent of the nation’s land area today. Interior agencies are also responsible for regulating energy production on subsurface and offshore areas and enforcing the Endangered Species Act on private landowners.

Secretary David Bernhardt, U.S. Department of the Interior  
Myron Ebell, Director of the Center for Energy and Environment, CEI  
Kent Lassman, President, CEI

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**David L. Bernhardt** serves as the 53rd Secretary of the U.S. Department of the Interior. He was confirmed by the U.S. Senate on April 11, 2019. As Secretary of the Interior, Bernhardt leads an agency with more than 70,000 employees who are stewards for 20 percent of the nation’s lands, including national parks, monuments, wildlife refuges, and other public lands. The department oversees the responsible development of conventional and renewable energy supplies on public lands and waters, is the largest supplier and manager of water in the 17 Western states, and upholds trust responsibilities to the 574 federally recognized American Indian tribes and Alaska Natives.

Bernhardt is an avid hunter and angler and recently served on the Board of Game and Inland Fisheries for the Commonwealth of Virginia. He has in-depth experience in legal matters concerning active regulations and rulemakings, with years of legal experience in



both government and the private sector. His expertise ranges from the Endangered Species Act to Outer Continental leases, from mining royalties to Indian Affairs. From 2001 to 2009, he held several positions within the Department of the Interior, including serving as Solicitor. Raised in Rifle, Colorado, Bernhardt earned a B.A. from the University of Northern Colorado in Greeley. He graduated with honors from the George Washington University National Law Center.

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**Sent:** 11/18/2020 8:37:06 PM  
**To:** Benevento, Douglas [benevento.douglas@epa.gov]  
**Subject:** Invite: Independent Agencies on the Docket feat. Richard Epstein, John Berlau & Devin Watkins 12/1/20

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Watch video of the conversation [here](#)

Purchase your copy of the book [here](#)

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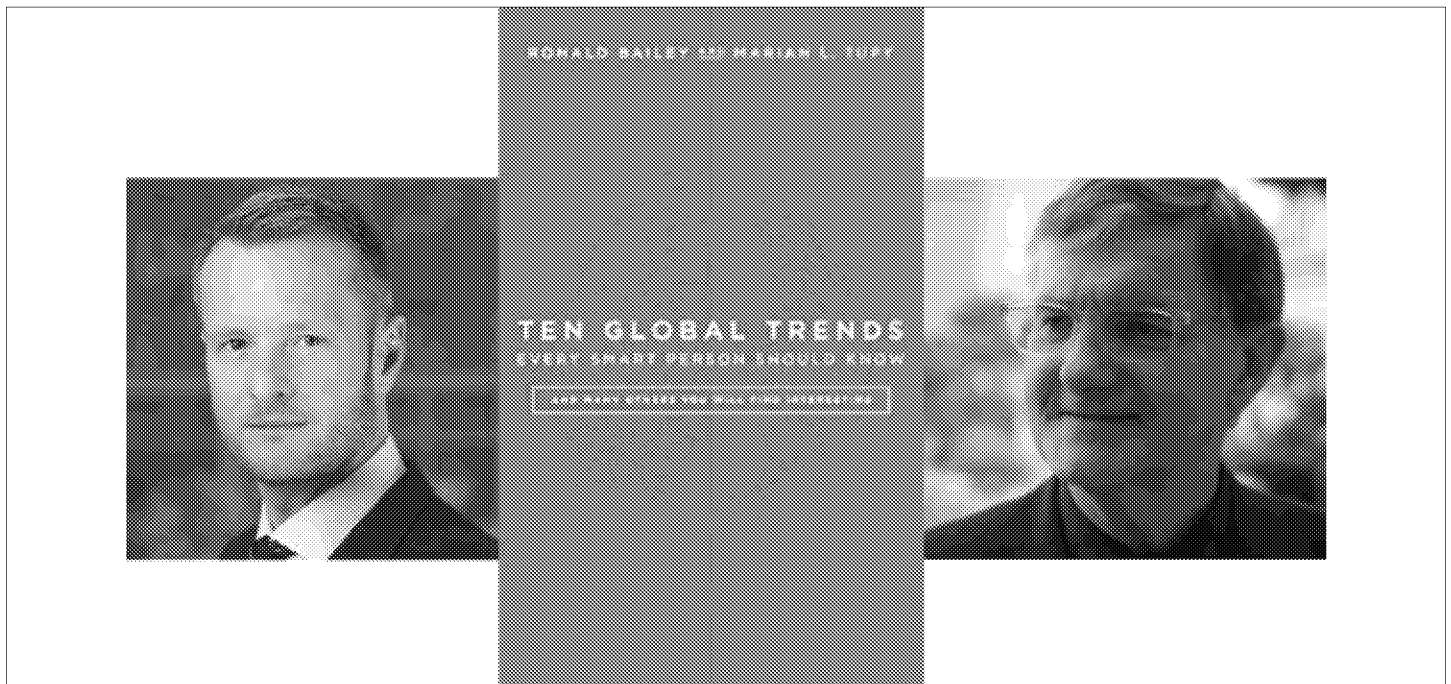


## *Ten Global Trends Every Smart Person Should Know*

Book Forum

Featuring Ronald Bailey and Marian L. Tupy

Tuesday, November 10, 2020



In the recently published *Ten Global Trends Every Smart Person Should Know: And Many Others You Will Find Interesting*, coauthors Ron Bailey and Marian Tupy present a striking, data-rich case on the improving state of the world. The collection is the perfect antidote to the apocalyptic 2020 news cycle and our generally

pessimistic tendencies.

In brief, in the two centuries since the giant leap in human well-being and wealth following the industrial revolution—memorably dubbed "the Great Enrichment" by renowned economist Deirdre McCloskey—we have experienced declining poverty, violence, and death; increasing life expectancy, happiness, and IQ; and greater freedom and environmental conservation worldwide. Join CEI for an online discussion about these global trends of progress and how reasoned optimism should inform our future goals with the authors and CEI President Kent Lassman.

Ronald Bailey, Coauthor, *Ten Global Trends*

Marian L. Tupy, Coauthor, *Ten Global Trends*

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**Ronald Bailey** is the science correspondent for *Reason*, where he writes a weekly science and technology column. He is the coauthor of the recently published *Ten Global Trends Every Smart Person Should Know: And Many Others You Will Find Interesting*. His other books include *The End of Doom: Environmental Renewal in the Twenty-first Century* (2015) and *Liberation Biology: The Moral and Scientific Case for the Biotech Revolution* (2005).

**Marian Tupy** is a Senior Fellow at the Cato Institute's Center for Global Liberty



and Prosperity and the editor of HumanProgress.org. He is the coauthor of the recently published *Ten Global Trends Every Smart Person Should Know: And Many Others You Will Find Interesting*. He is also the co-author of The Simon Project.

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**To:** Benevento, Douglas [benevento.douglas@epa.gov]  
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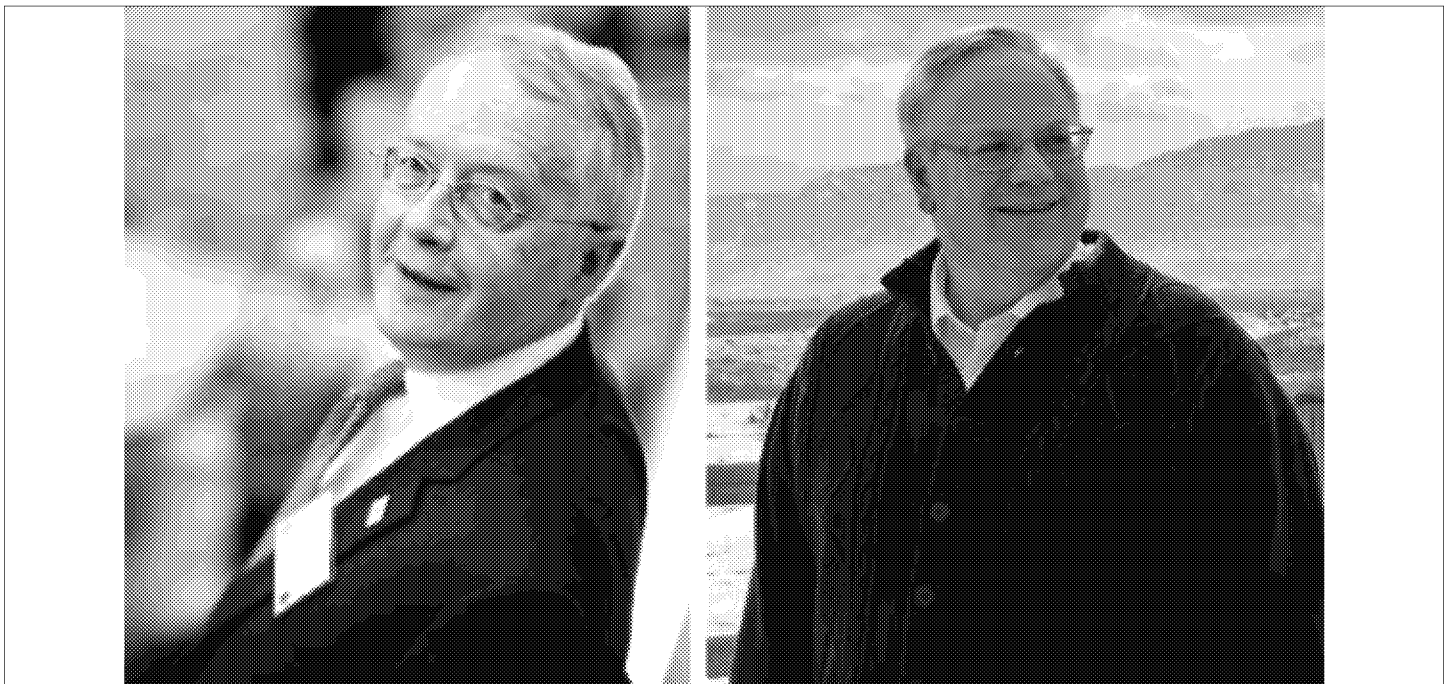
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Kent Lassman, President, Competitive Enterprise Institute

**Tuesday, December 1, 2020**

**12:00 – 1:00 pm EST**

REGISTER

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Questions? Email [events@cei.org](mailto:events@cei.org)

**Richard A. Epstein** is the inaugural Laurence A. Tisch Professor of Law at NYU School of Law. He has served as the Peter and Kirstin Bedford Senior Fellow at the Hoover Institution since 2000. Epstein is also the James Parker Hall Distinguished Service Professor of Law Emeritus and a senior lecturer at the University of Chicago. He is the author of numerous books including *The Dubious Morality of the Modern*



*Administrative State; The Classical Liberal Constitution: The Uncertain Quest for Limited Government; Supreme Neglect: How to Revive the Constitutional Protection of Property Rights; and Takings: Private Property and the Power of Eminent Domain.*

Professor Epstein has taught courses in administrative law, antitrust law, civil procedure, communications, constitutional law, contracts, corporations, criminal law, employment discrimination law, environmental law, food and drug law health law and policy, legal history, labor law, property, real estate development and finance, jurisprudence, labor law; land use planning, patents, individual, estate and corporate taxation, Roman Law; torts, and workers' compensation.

**John Berlau** is a Senior Fellow at the Competitive Enterprise Institute and is the author, most recently, of *George Washington, Entrepreneur*. Berlau's work at CEI focuses on how public policy affects access to capital, entrepreneurship, and investments made by the public and business community alike. He has studied the consequences of financial reform efforts passed by Congress like the Sarbanes-Oxley Act, the Dodd-Frank Act, and the placement of Fannie Mae and Freddie Mac into conservatorship. Before joining CEI, Berlau was an award-winning financial and political journalist.

**Devin Watkins** is an attorney at the Competitive Enterprise Institute. He previously worked at the Cato Institute as a legal associate and interned at the Institute for Justice. At the Cato Institute, Watkins worked on a variety of Supreme Court cases, including a brief cited by the Court. Watkins holds a Juris Doctor cum laude from George Mason University's Antonin Scalia Law School, where he was the development editor on the *Mason Law Review*. Watkins is a member of the Virginia State Bar, the District of Columbia Bar, the U.S. District Court for the District of Columbia Bar, and the U.S. Court of Appeals for the District of Columbia Circuit Bar.

**Kent Lassman** is President and CEO of the Competitive Enterprise Institute. He oversees strategy for the organization, including management of a team of policy, communications, and fundraising staff. Prior to joining CEI, Lassman spent eight years as vice president at a public affairs firm in Washington, D.C., counseling clients on campaign approaches to issues ranging from telecommunications to privacy to biotechnology and state licensing.

## Recent Events

*Big White Ghetto* Book Forum featuring Kevin D. Williamson

Watch video of the conversation [here](#)

Purchase your copy of the book [here](#)

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Message

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**From:** Competitive Enterprise Institute [events@cei.org]  
**Sent:** 11/17/2020 4:16:59 PM  
**To:** Benevento, Douglas [benevento.douglas@epa.gov]  
**Subject:** Tomorrow: Big White Ghetto Book Forum feat. Kevin Williamson 11/18/20

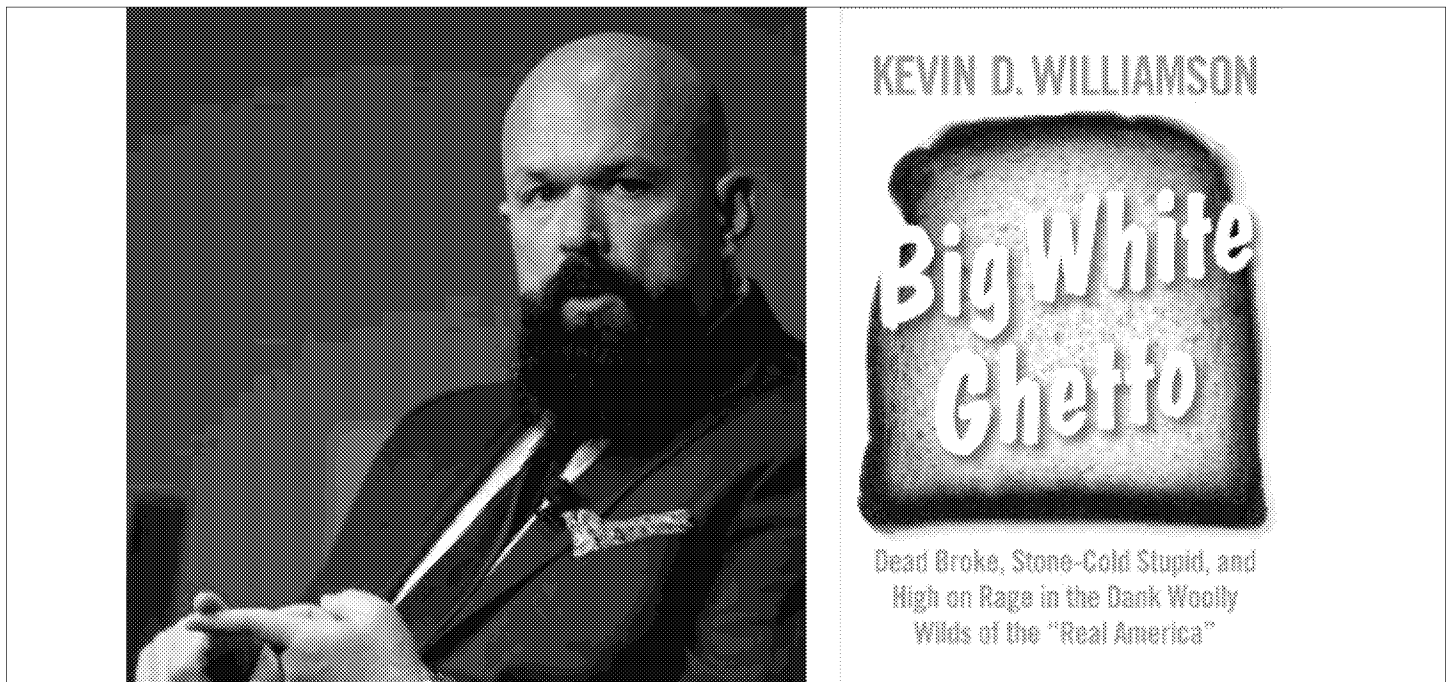
Save the Date—CEI Annual Dinner 6/17/20



*Big White Ghetto: Dead Broke, Stone-Cold Stupid,  
and High on Rage in the Dank Woolly Wilds of  
the "Real America"*

Book Forum Featuring Kevin D. Williamson

Wednesday, November 18, 2020



In the just released *Big White Ghetto: Dead Broke, Stone-Cold Stupid, and High on Rage in the Dank Woolly Wilds of the "Real America"*, Kevin Williamson combines years of reporting into a narrative of forgotten communities across the country. The

recurring challenges — from Washington, D.C. and Appalachia to Chicago and San Bernardino — are institutional decay and private failure. As Williamson describes, “think of [*Big White Ghetto*] as *Hillbilly Elegy* with less memoir and more judginess.”

Join CEI for an online book forum tomorrow with Kevin Williamson, a prolific and singular voice of his generation, in conversation with Kent Lassman.

Kevin D. Williamson, Author and Roving Correspondent, *National Review*

Kent Lassman, President, Competitive Enterprise Institute

**Wednesday, November 18, 2020**

**12:00 - 1:00 pm EST**

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Questions? Email [events@cei.org](mailto:events@cei.org)

**Books available for purchase [here](#).**

**Kevin D. Williamson** is the roving correspondent for *National Review* and author, most recently of *Big White Ghetto: Dead Broke, Stone-Cold Stupid, and High on Rage in the Dank Woolly Wilds of the “Real America”* and *The Smallest Minority: Independent Thinking in the Age of Mob Politics*, among many others. His work has appeared everywhere from *The Washington Post* to *Academic Questions* to *Playboy*. He began his journalism career at the Bombay-based Indian Express Newspaper Group. He has served as the theater critic for *The New Criterion* and taught at King’s College, New York.

**Kent Lassman** is President and CEO of the Competitive Enterprise Institute. He oversees strategy for the organization, including management of a team of policy, communications, and fundraising staff. Prior to joining CEI, Lassman spent eight years

as vice president at a public affairs firm in Washington, D.C., counseling clients on campaign approaches to issues ranging from telecommunications to privacy to biotechnology and state licensing.

**Upcoming Events:**

***Rushing In: The John Wood Story***

Film Premiere & Watch Party

TODAY

November, 17, 2020

3:00 pm EST

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Message

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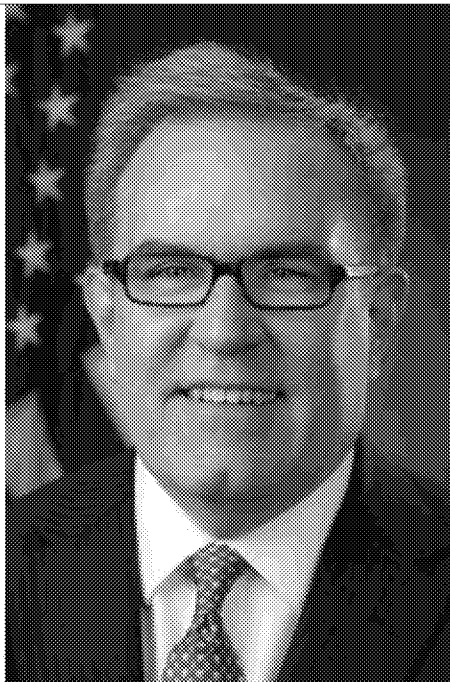
**From:** Competitive Enterprise Institute [events@cei.org]  
**Sent:** 1/4/2021 4:13:27 PM  
**To:** Benevento, Douglas [benevento.douglas@epa.gov]  
**Subject:** TOMORROW: Online Forum feat. EPA Administrator Andrew Wheeler 1/5/21

Save the Date—CEI Annual Dinner 6/17/20



*Online Forum*  
*Featuring EPA Administrator Andrew Wheeler*

Tuesday, January 5, 2021



Join CEI for an online forum with Environmental Protection Agency (EPA) Administrator Andrew Wheeler. In conversation with Director of CEI's Center for Energy and Environment Myron Ebell and CEI President Kent Lassman, Administrator Wheeler will share a major announcement and discuss reform opportunities ahead. We invite audience participation during the second half

of the program. Questions can be submitted in the Q&A box or to [events@cei.org](mailto:events@cei.org).

Administrator Andrew Wheeler, Environmental Protection Agency  
Myron Ebell, Director of the Center for Energy and Environment, CEI  
Kent Lassman, President, CEI

**Tuesday, January 5, 2021**

**10:00 – 11:00 am EST**

**REGISTER**

*Registration confirmation and event reminder emails will be sent  
from CEI Events at [no-reply@zoom.us](mailto:no-reply@zoom.us)*

Questions? Email [events@cei.org](mailto:events@cei.org)

**Andrew Wheeler** serves as the fifteenth Administrator of the Environmental Protection Agency. He was confirmed by the U.S. Senate on February 28, 2019.

Wheeler began his career dedicated to advancing sound environmental policies as a Special Assistant in EPA's Pollution Prevention and Toxics office during the George H. W. Bush Administration.

Prior to joining EPA, he was a Principal of the Energy and Environment Practice Group at FaegreBD Consulting and Counsel at Faegre Baker Daniels law firm. He also served as Co-chair of the Energy and Natural Resources Industry team across the firm. Wheeler previously served for six years as the Majority Staff Director, Chief Counsel, and Minority Staff Director of the Senate Committee on Environment and Public Works. Before his time at the Senate EPW Committee, he served in a similar capacity for six years for the Subcommittee on Clean Air, Climate Change, Wetlands and Nuclear Safety. Wheeler is the past Chairman of the National Energy Resource Organization, a Stennis Fellow, and an Eagle Scout.

**Myron Ebell** is Director of the Center for Energy and Environment at CEI and chairs the Cooler Heads Coalition, which comprises representatives from more than two dozen

nonprofit organizations that challenge global warming alarmism and oppose energy rationing policies. Ebell has focused on energy and climate issues since joining CEI 20 years ago, but throughout the 1990s worked exclusively on federal lands policies and property rights issues, including the Endangered Species Act. He served in 2016 as head of the Trump EPA transition team.

**Kent Lassman** is President and CEO of the Competitive Enterprise Institute. He oversees strategy for the organization, including management of a team of policy, communications, and fundraising staff. Prior to joining CEI, Lassman spent eight years as vice president at a public affairs firm in Washington, D.C., counseling clients on campaign approaches to issues ranging from telecommunications to privacy to biotechnology and state licensing.

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**From:** Competitive Enterprise Institute [events@cei.org]  
**Sent:** 12/2/2020 3:35:33 PM  
**To:** Benevento, Douglas [benevento.douglas@epa.gov]  
**Subject:** Invite: Reforming Federal Lands and the Endangered Species Act feat. Secretary David Bernhardt 12/8/20

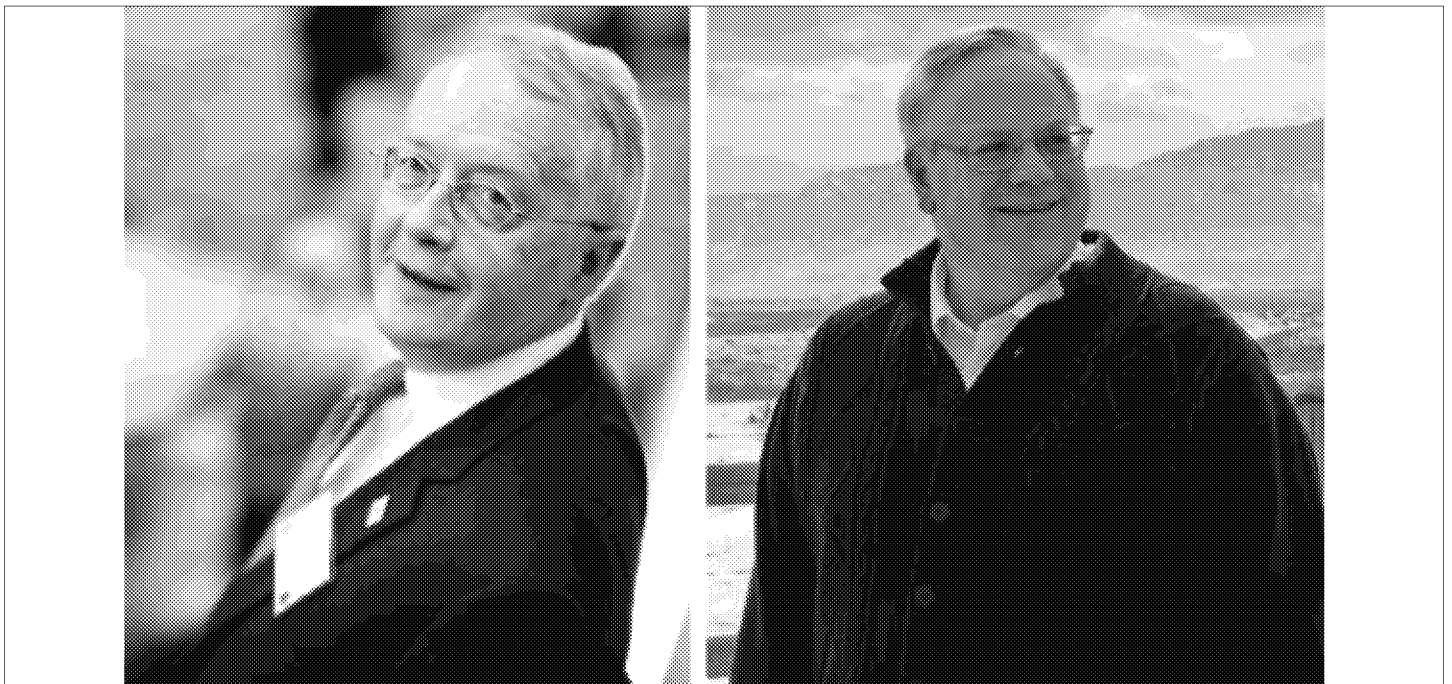
Save the Date—CEI Annual Dinner 6/17/20



*Reforming Federal Lands and the Endangered Species Act*

Online Event

Tuesday, December 8, 2020



Join CEI for an online forum with Secretary of the Interior David Bernhardt on the challenges of reforming federal lands policies and the Endangered Species Act. The Secretary will discuss his reform accomplishments to date and the challenges and opportunities ahead, in conversation with Director of CEI's Center for Energy and Environment Myron Ebell and President Kent Lassman.

The Department of the Interior manages 11 agencies—including the National Park Service, Fish and Wildlife Service, and Bureau of Land Management—and more than 450 million acres, or 20 percent of the nation’s land area today. Interior agencies are also responsible for regulating energy production on subsurface and offshore areas and enforcing the Endangered Species Act on private landowners.

Secretary David Bernhardt, U.S. Department of the Interior  
Myron Ebell, Director of the Center for Energy and Environment, CEI  
Kent Lassman, President, CEI

**Tuesday, December 8, 2020**  
**12:00 – 1:00 pm EST**

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*Registration confirmation and event reminder emails will be sent  
from CEI Events at [no-reply@zoom.us](mailto:no-reply@zoom.us)  
Questions? Email [events@cei.org](mailto:events@cei.org)*

**David L. Bernhardt** serves as the 53rd Secretary of the U.S. Department of the Interior. He was confirmed by the U.S. Senate on April 11, 2019. As Secretary of the Interior, Bernhardt leads an agency with more than 70,000 employees who are stewards for 20 percent of the nation’s lands, including national parks, monuments, wildlife refuges, and other public lands. The department oversees the responsible development of conventional and renewable energy supplies on public lands and waters, is the largest supplier and manager of water in the 17 Western states, and upholds trust responsibilities to the 574 federally recognized American Indian tribes and Alaska Natives.

Bernhardt is an avid hunter and angler and recently served on the Board of Game and Inland Fisheries for the Commonwealth of Virginia. He has in-depth experience in legal matters concerning active regulations and rulemakings, with years of legal experience in

both government and the private sector. His expertise ranges from the Endangered Species Act to Outer Continental leases, from mining royalties to Indian Affairs. From 2001 to 2009, he held several positions within the Department of the Interior, including serving as Solicitor. Raised in Rifle, Colorado, Bernhardt earned a B.A. from the University of Northern Colorado in Greeley. He graduated with honors from the George Washington University National Law Center.

**Myron Ebell** is Director of the Center for Energy and Environment at CEI and chairs the Cooler Heads Coalition, which comprises representatives from more than two dozen nonprofit organizations that challenge global warming alarmism and oppose energy rationing policies. Ebell has focused on energy and climate issues since joining CEI 20 years ago, but throughout the 1990s worked exclusively on federal lands policies and property rights issues, including especially the Endangered Species Act. He served in 2016 as head of the Trump EPA transition team, while David Bernhardt headed the Interior team.

**Kent Lassman** is President and CEO at the Competitive Enterprise Institute. He oversees strategy for the organization, including management of a team of policy, communications, and fundraising staff. Prior to joining CEI, Lassman spent eight years as vice president at a public affairs firm in Washington, D.C., counseling clients on campaign approaches to issues ranging from telecommunications to privacy to biotechnology and state licensure.

#### **Recent Events:**

##### **On the Docket: Independent Agencies**

Featuring Richard A. Epstein, John Berlau, and Devin Watkins

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Message

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**From:** Will Hupman [HupmanW@api.org]  
**Sent:** 1/13/2021 7:11:54 PM  
**To:** Wheeler, Andrew [wheeler.andrew@epa.gov]  
**CC:** Ron Chittim [Chittim@api.org]; Frank Macchiarola [MacchiarolaF@api.org]; Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]  
**Subject:** API on Small Refinery Exemptions  
**Attachments:** API SRE Letter to EPA (1-13-21)(Final-2).pdf

Dear Administrator Wheeler – Please find attached a letter from API regarding small refinery exemptions. Thank you for your consideration of this matter.

Will Hupman

---

**Will Hupman**  
Director – Federal Affairs  
o: 202.682.8396  
m: 202.615.7192  
e: hupmanw@api.org





American  
Petroleum  
Institute

Ron Chittim  
Vice President  
API Downstream Policy  
202-682-8167  
chittim@api.org

January 13, 2021

Via Electronic and U.S. Mail

The Honorable Andrew Wheeler, Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

Re: 2019 Small Refinery Exemptions

Dear Administrator Wheeler:

There are reports that EPA plans to grant many small refinery exemptions (SREs) submitted by refiners outside of the United States Court of Appeals for the Tenth Circuit's jurisdiction for the Renewable Fuels Program (RFS) 2019 compliance year. The American Petroleum Institute (API) believes that EPA granting these SREs will create an unlevel playing field, which will only serve to exacerbate the competitive distortions among refineries competing in the same marketplace. Furthermore, wholesale exemptions that attempt to make the RFS program workable for some refiners also serve to punish non-exempt refiners who already face challenging RFS compliance obligations. The ongoing issues with the RFS have been structural from the inception of the program, apply to all regulated parties, and need to be addressed on a nationwide basis.

API supports the January 2020 Tenth Circuit holding in Renewable Fuels Association et al. v EPA as it is consistent with Congress's intent when it enacted the RFS. Further, given that the U.S. Supreme Court recently granted certiorari in that case, we believe EPA, as well as obligated parties, would best be served by allowing the Court to determine the proper path forward on SREs. For these reasons, we implore the Agency to reconsider any immediate plans to grant wholesale 2019 SREs. Thank you for your consideration of this matter.

Respectfully,

## Appointment

---

**From:** Hewitt, James [hewitt.james@epa.gov]  
**Sent:** 11/30/2020 3:02:05 PM  
**To:** Gunasekara, Mandy [gunasekara.Mandy@epa.gov]

**Subject:** Accepted: Meeting with Heritage Foundation

**Start:** 12/1/2020 5:30:00 PM  
**End:** 12/1/2020 6:15:00 PM  
**Show Time As:** Busy

**From:** Myron Ebell [Myron.Ebell@cei.org]  
**Sent:** 11/25/2020 9:19:01 PM  
**To:** Teller, Paul S. EOP/OVP [Ex. 6 Personal Privacy (PP)]; Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Small, Jeffrey [jeffrey\_small@ios.doi.gov]; Dannenfelser, Martin J. EOP/WHO [Ex. 6 Personal Privacy (PP)]  
**Subject:** Open Market: John Kerry, a Tall Climate Envoy

<https://cei.org/blog/john-kerry-a-tall-climate-envoy/>

## John Kerry, a Tall Climate Envoy

- CEI Open Market
- [Myron Ebell](#) • 11/25/2020

Putative President-elect Joe Biden announced on Monday that he would appoint John Kerry as his administration's "special presidential climate envoy." The title is misleading: Kerry will not actually be an ambassador, which would require Senate confirmation. Instead, he will be attached to the National Security Council and treated as if he were cabinet-level, but without the bother of Senate hearings and a confirmation vote, which could be a quite painful experience for someone with Kerry's record. Pretending that Kerry will be a member of the cabinet is most appropriate; after all, the "climate crisis" is a pretend issue and international efforts to address it seldom reach even the level of pretense.

Mainstream media were quick to hail the appointment as an indication of Biden's seriousness about getting back into the international climate negotiations scene. The headline for *The New York Times*'s [story](#) was typical: "With John Kerry Pick, Biden Selects a Climate Envoy of Stature."

Of stature? While it is true that Kerry served as Secretary of State in the Obama administration from 2013 to 2017 and as Senator from Massachusetts from 1985 to 2013 and was the Democratic Party's presidential nominee in 2004, all of which could indicate stature, I really think what the *Times* was getting at is that Kerry is tall. Kerry's height, plus his deep, sonorous voice, his monumental self-importance, and his famous aloofness give him a certain commanding presence. Otherwise, he's nearly as inconsequential as his long-time Senate colleague Joe Biden (who is also tall). Rather than itemize the numerous lowlights of his long political career (such as the disastrous Iran nuclear deal), let me give just one example that is relevant to Kerry's new job—his total ignorance of climate science.



The fact is that Kerry knows less about climate science than a person of normal diligence could learn on the Internet in an hour. Now, it is fair to note that politicians have to talk about a lot of things that they know nothing about. But Kerry has specialized in climate for decades. He was chairman of the Senate Foreign Relations Committee from 2009 to 2013, which held a number of hearings on climate. According to a *Washington Post* [story](#), Sen. Kerry represented the U.S. at every important U.N. climate conference, including the Rio Earth Summit in 1992 that launched the U.N. Framework Convention on Climate Change (the underlying climate treaty), the 1997 Kyoto meeting that resulted in the Kyoto Protocol, and the 2009 Copenhagen conference that failed to save the planet. And he attended a number of other annual U.N. climate pow-wows. As Secretary of State, Kerry was in charge of the negotiations that resulted in the 2015 Paris climate treaty.

And yet, Kerry not only doesn't know anything about the basics of climate science; what he is sure he knows is wrong. Here is what I wrote in September 2014 about Kerry's understanding of the greenhouse effect—something according to the then-Secretary of State so “simple kids at the earliest age can understand this.” I hope he has learned something since then, but....

Secretary of State John Kerry Explains the Greenhouse Effect (*published September 16, 2014*):

One of the disturbing aspects of the global warming debate is that so many of the leading public officials who espouse alarmism know so little about the basics of climate science. I have seen many instances of ignorance over the years and have largely gotten used to it, but I recently happened on an example from Secretary of State John Kerry that astounded me.

Reporters and commentators noted that in his major speech on climate change given in Jakarta on February 16, Secretary Kerry claimed that “climate change can now be considered another weapon of mass destruction, perhaps the world's most fearsome weapon of mass destruction.” But reporters and commentators (including me) overlooked an even more remarkable passage in that long speech in which Secretary Kerry explains some “simple” climate science. According to the State Department's web site, here is an excerpt of what [Secretary Kerry said](#) about the greenhouse effect in Jakarta on February 16:

"In fact, this is not really a complicated equation. I know sometimes I can remember from when I was in high school and college, some aspects of science or physics can be tough—chemistry. But this is not tough. This is simple. Kids at the earliest age can understand this.

"Try and picture a very thin layer of gases—a quarter-inch, half an inch, somewhere in that vicinity—that's how thick it is. It's in our atmosphere. It's way up there at the edge of the atmosphere. And for millions of years—literally millions of years—we know that layer has acted like a thermal blanket for the planet—trapping the sun's heat and warming the surface of

the Earth to the ideal, life-sustaining temperature. Average temperature of the Earth has been about 57 degrees Fahrenheit, which keeps life going.

"Life itself on Earth exists because of the so-called greenhouse effect. But in modern times, as human beings have emitted gases into the air that come from all the things we do, that blanket has grown thicker and it traps more and more heat beneath it, raising the temperature of the planet. It's called the greenhouse effect because it works exactly like a greenhouse in which you grow a lot of the fruit that you eat here.

"This is what's causing climate change. It's a huge irony that the very same layer of gases that has made life possible on Earth from the beginning now makes possible the greatest threat that the planet has ever seen."

For those who followed former Senator Kerry at committee hearings over the past three decades, his belief that greenhouse gases are "a very thin layer of gases—a quarter-inch, half an inch, somewhere in that vicinity – ... way up there at the edge of the atmosphere" is perhaps not surprising. Nonetheless, it is remarkable that Kerry's explanation got by the highly educated State Department officials in charge of vetting the Secretary's prepared remarks.

Later in his speech, Secretary Kerry made the usual sneering remarks about people who don't think that global warming is a crisis: "President... Obama and I believe very deeply that we do not have time for a meeting anywhere of the Flat Earth Society." I suspect that were Secretary Kerry to find the time to attend a meeting of the Flat Earth Society, his presence might lower the level of discourse.

Myron Ebell  
Director, Center for Energy and Environment  
Competitive Enterprise Institute  
Mobile: (202) 320-6685  
*Stop Continental Drift!*

Message

---

**From:** Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F639EA28AF4C455493939E3129260707-GUNASEKARA,]  
**Sent:** 11/16/2020 7:08:08 PM  
**To:** Hewitt, James [hewitt.james@epa.gov]  
**CC:** Barker, Kendal [Barker.Kendal@epa.gov]  
**Subject:** Re: Registration link for Cooler Heads tomorrow, Tuesday, at 12 noon

Yes

Sent from my iPhone

On Nov 16, 2020, at 1:52 PM, Hewitt, James <hewitt.james@epa.gov> wrote:

Mandy, this work for you?

---

**From:** Myron Ebell <Myron.Ebell@cei.org>  
**Sent:** Monday, November 16, 2020 1:18 PM  
**To:** Hewitt, James <hewitt.james@epa.gov>  
**Subject:** Registration link for Cooler Heads tomorrow, Tuesday, at 12 noon

I can put Mandy on any time that suits. Let me know. Otherwise, I'll plan for early in the meeting.

[https://](#)

**Ex. 6**

Myron Ebell  
Director, Center for Energy and Environment  
Competitive Enterprise Institute  
Mobile: (202) 320-6685  
*Stop Continental Drift!*

**From:** API SmartBrief [api@smartbrief.com]  
**Sent:** 11/16/2020 3:29:13 PM  
**To:** Starfield, Lawrence [Starfield.Lawrence@epa.gov]  
**Subject:** Trump expedites plan to sell oil leases in Alaska refuge

API SmartBrief

Created for [starfield.lawrence@epa.gov](#) | [Web Version](#)

**November 16, 2020**

**News for the natural gas and oil industry**

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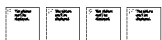
## TOP STORY

### Trump expedites plan to sell oil leases in Alaska refuge

The Trump administration is moving forward with plans to auction drilling rights in Alaska's Arctic National Wildlife Refuge before Joe Biden's inauguration and will issue a call for nominations soon, according to a Bureau of Land Management spokesperson.

"Development in ANWR is long overdue and will create good-paying jobs and provide a new revenue stream for the state -- which is why a majority of Alaskans support it," said American Petroleum Institute Senior Vice President of Policy, Economics and Regulatory Affairs Frank Macchiarola.

**Full Story:** [Reuters \(11/13\)](#)





## **Embracing Science for Better: If not now, when?**

77% are hopeful that science can deliver solutions to society's problems.

What's holding back progress?

[Learn more about this international survey](#)

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INTERNATIONAL**

## **INDUSTRY NEWS**

### **Tellurian courting other investors to fund Driftwood LNG**

After a preliminary deal with Petronet LNG fell through, liquefied natural gas developer Tellurian is now in talks with other prospective investors for its proposed Driftwood LNG export terminal in Louisiana and could seal those deals in the first six months of 2021, said chairman Charif Souki. The 13.2-short-ton-per-year project could break ground next summer.

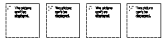
**Full Story:** BNN Bloomberg (Canada) (11/13)



### **Pipeline firms to keep purse strings tight in 2021**

Despite recent increases in natural gas pipeline volumes, US pipeline companies are signaling that they will continue to rein in their spending and growth plans in the new year, and prioritize cost efficiency until the market swings back into balance. The majority of midstream companies analyzed by S&P Global Market Intelligence in the third quarter saw their adjusted earnings before interest, taxes, depreciation and amortization, and distributable cash flows decline year-on-year.

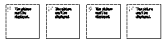
**Full Story:** S&P Global Platts (free registration) (11/13)



## Gulfport Energy seeks bankruptcy protection

Natural gas producer Gulfport Energy has started Chapter 11 bankruptcy proceedings and has secured \$262.5 million in debtor-in-possession financing under its revolving credit facility as well as \$580 million in exit financing. The company expects to eliminate about \$1.25 billion of the roughly \$2.5 billion of debt it owed as of Sept. 30.

**Full Story:** Yahoo/Bloomberg (11/14)



### [Q&A] How to safely reopen your workplace

Many companies are ready to open back up and workers are eager to return to their desks, but a successful workplace re-entry plan hinges on companies providing a safe work environment. This Q&A with Niraj Patel, head of Advance Analytics, Platforms & AI at DMI Inc., covers the steps companies need to take to re-open and how technology can deliver the necessary data to ensure protocols are being followed to stay open. [Read now](#)

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## EXPLORATION & PRODUCTION

### US rig count extends gain streak to 9 weeks

The number of US oil and natural gas rigs increased by 12 to 312 last week, marking the ninth consecutive week of increases, according to Baker Hughes. Texas accounted for half of the rig additions.

**Full Story:** Reuters (11/13), Houston Chronicle (tiered subscription model) (11/13)



### **Is your business accurately paying Consumer Use Tax?**

Most businesses know to account for sales tax, but often overlook its more complicated cousin: use tax. While sales tax is charged at the point of purchase, use tax can be assessed at multiple points after purchase and in a variety of circumstances. [Download this infographic](#) to ensure you don't overlook use tax.

ADVERTISEMENT: **Avalara**

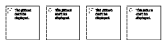
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## **POLICY WATCH**

### **EPA to continue work on environmental rollbacks**

The Environmental Protection Agency will use the Trump administration's remaining days to "advance the president's commitment to meaningful environmental progress while moving forward with our regulatory reform agenda," said spokesman James Hewitt. The agency plans to continue work on environmental rollbacks and policies such as the EPA's science in rulemaking rule.

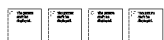
**Full Story:** The Hill (11/13)



### **Gov. Whitmer takes a swing at Enbridge's Line 5**

Michigan Gov. Gretchen Whitmer on Friday issued a notice of termination informing Enbridge that a 1953 easement allowing its Line 5 pipeline to run through the Straits of Mackinac would be revoked and requiring the company to shut down the pipeline within 180 days. Whitmer cited repeated violations of the terms of the 1953 easement and "an unacceptable risk of a catastrophic oil spill."

**Full Story:** The Associated Press (11/14)



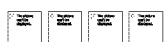
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## SPECIAL FROM THE SHALE SMARTBRIEF

### **N.M. treasurer warns of cracks in proposed methane rules**

New Mexico State Treasurer Tim Eichenberg agrees with investment groups that sent a letter to Democratic Gov. Michelle Lujan Grisham urging her administration to address loopholes in proposed regulations designed to curb methane and other emissions from oil and natural gas operations. The groups are concerned that the rules would waive leak detection and repair requirements for most wells in the state and called for additional enforcement measures to prevent routine venting and flaring.

**Full Story:** The Associated Press (11/11)



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## API UPDATE

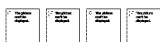
### **API Training Course - Virtual Dates Now Available | Spec Q1 9th Edition Fundamentals and Practitioner**

Participants will be given insight into the drivers behind Q1's importance and its value in the Oil & Natural Gas Industry. Using practical examples and hands-on application, the course is designed to give introductory to advanced knowledge of Q1 requirements and



interpretations. To learn more and to register, visit the API-U Calendar.

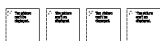
Presented by: Beyond Solution, Nov. 30-Dec. 3; LEED Intl. Training, Dec. 1-4; Global Corp. Solutions, Dec. 2-5; Haward Technology, Dec. 6-8; AxiomLogics, Dec. 7-10; Eurotech Assessment, Dec. 7-10; Inserpetrol, Dec. 8-10; AJA Registrars, Dec. 11-12; Sea&Oil Tech. Services, Dec. 21-24; Veritas, Dec. 23-26; Mireaux Management Sol., Jan. 26-29.



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Join us for the API/AFPM Operating Practices Symposium (OPS), jointly sponsored by the American Petroleum Institute (API) and the American Fuel & Petrochemical Manufacturers (AFPM). This industry-wide forum is an important opportunity for the exchange of information on safe operating procedures and sharing of "best practices" within refineries and petrochemical plants.

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Aretha Franklin,  
singer



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**From:** Mike Sommers, API [apipresident@api.org]  
**Sent:** 1/21/2021 8:59:13 PM  
**To:** Starfield, Lawrence [Starfield.Lawrence@epa.gov]  
**Subject:** Blocking Keystone XL Cancels Energy and Environmental Progress



---

## The Natural Gas and Oil Industry

Blocking Keystone XL Cancels Energy and Environmental Progress

---

Dear Lawrence,

The U.S. natural gas and oil industry shares President Biden's goal of reducing the risks of climate change.

For that reason, it is critical that the new Administration recognizes that canceling the Keystone XL pipeline is a step backward for both environmental progress and our nation's much-needed economic recovery. Pipelines are the safest, most environmentally friendly way to transport energy, and the economy cannot recover at full speed unless we deliver energy from where it is to where it is needed.

Don't just take it from our industry.

- In a Monday [letter](#) to President-elect Biden, the leaders of [North America's Building Trades Unions \(NABTU\)](#) and the [National Association of Manufacturers \(NAM\)](#) called Keystone XL "a true 21st century infrastructure project aimed at meeting energy demand in the most sustainable way possible."
- Meanwhile, the [Laborers' International Union of North America](#) said "the anticipated decision to cancel the #KeystonePipeline will kill thousands of good-paying #UNION jobs!"
- And here's what the [United Association of Union Plumbers and Pipefitters](#) pointed out: "In revoking this permit, the Biden Administration has chosen to listen to the voices of fringe activists instead of union members and the American consumer on Day 1... Sadly, the Biden Administration has now put thousands of union workers out of work." For example, today, TC Energy [announced 1,000 layoffs](#) in the coming weeks.

Consider these facts:

- **The entire Keystone XL project supports local economies:** The Keystone XL pipeline benefits local economies through increased employment and millions in greater tax revenues. It stands to contribute hundreds of millions of dollars in local wages and resolve infrastructure bottlenecks that prevent access to affordable energy. Short-term, canceling the Keystone XL project means 1,000 union jobs “vanish in the cold of winter,” as NABTU and NAM put it.
- **Keystone XL is efficient and environmentally friendly:** The Keystone XL pipeline has been through more than 10 years of extensive environmental reviews. Halting Keystone XL won’t stop oil sands development; it will just ensure that it goes abroad via the Trans Mountain expansion pipeline under construction. One underreported fact: Keystone XL would operate with net-zero emissions from the day it is placed into service in 2023 and would be fully powered by renewable energy by 2030.
- **The Keystone XL project would create good-paying jobs:** Employees in the natural gas and oil industry earn close to two times the average American, and studies show that workers appreciate jobs in natural gas and oil over the “green-collar” sector because our industry pays better and provides better and longer career opportunities. Moreover, thousands of union workers stand ready to finish the job. More than 2,000 Americans are already earning paychecks tied to the project, which would be 100% union built and would create 10,000 union jobs in the U.S. throughout project construction.

Pipelines are popular, too. 78% of Americans from key production and battleground states support Congress taking an all-the-above approach to achieve energy self-sufficiency and ensure the U.S. is partnered with a reliable energy partner. From Canada to the Gulf, relations are friendly along the length of the proposed Keystone XL pipeline; the only hostility comes from frivolous, activist-driven lawsuits. In fact, Canada is a critical ally and America’s top trading partner. Importantly, the construction of Keystone XL would contribute to U.S. energy security by further solidifying the interdependency of our two nations and ensuring that we are less reliant on foreign sources that do not share ideologies similar to ours.

As API has often said, we proudly stand ready to work with the Biden administration to reduce the risks of climate change, but this week’s announcement takes the wrong approach, destroys jobs and does nothing to advance environmental progress.

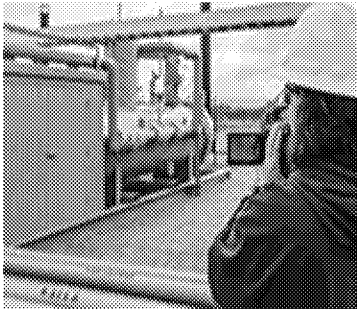
Instead, it’s time to build.

All the best,

**Mike Sommers**  
*President and CEO*

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Visit [API’s website](#) to learn more about:



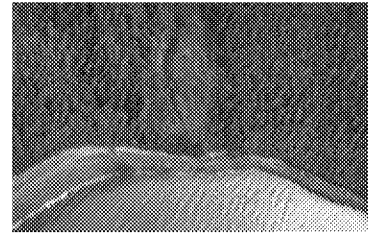
### Climate Solutions Need Natural Gas and Oil

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API represents all segments of America's natural gas and oil industry, which supports more than 10 million U.S. jobs and is backed by a growing grassroots movement of millions of Americans. Our 600 members produce, process and distribute the majority of the nation's energy, and participate in the API Energy Excellence program, which is accelerating environmental and safety progress by fostering new technologies and transparent reporting. API was formed in 1919 as a standards-setting organization and has developed more than 700 standards to enhance operational and environmental safety, efficiency and sustainability.

To learn more about API and the value of oil and natural gas, please visit [API.org](https://www.api.org).

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**Sent:** 1/21/2021 3:14:21 PM  
**To:** Starfield, Lawrence [Starfield.Lawrence@epa.gov]  
**Subject:** Biden targets fossil fuels with executive actions

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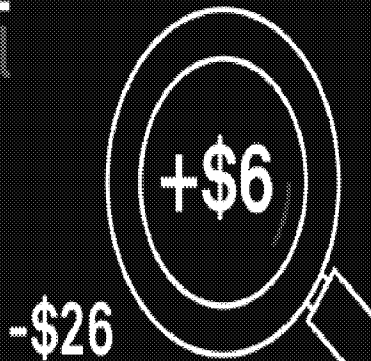
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TOP STORY

**Biden targets fossil fuels with executive actions**

President Joe Biden signed a flurry of executive orders on his first day in office that reflect his energy and climate agenda, including getting the US back into the Paris climate agreement, revoking a key permit for the Keystone XL oil pipeline, and temporarily halting oil and natural gas leasing in Alaska's Arctic National Wildlife Refuge. While backing the Paris Agreement ambitions, the American Petroleum Institute slammed the Keystone decision, with API President and CEO Mike Sommers saying, "This misguided move will hamper America's economic recovery, undermine North American energy security and strain relations with one of America's greatest allies."

**Full Story:** CNN (1/20), Reuters (1/20)

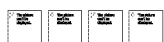


## INDUSTRY NEWS

### North America energy bankruptcies hit 4-year high in 2020

A new report from Haynes and Boone reveals that 107 North American oil and natural gas companies -- 46 E&Ps and 61 oilfield servicers -- sought bankruptcy protection in 2020, the highest number of filings since the 2016 oil bust. These bankruptcies could result in production losses across US shale plays and may lower US shale output by roughly 200,000 barrels per day by the end of 2021, according to Rystad Energy.

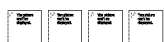
**Full Story:** Houston Chronicle (tiered subscription model) (1/20)



### US crude inventories up in latest API data

US crude inventories last week increased unexpectedly by 2.6 million barrels, while gasoline and distillate inventories also surged by 1.1 million barrels and 816,000 barrels, respectively, the American Petroleum Institute reported.

**Full Story:** MarketWatch (tiered subscription model) (1/20)



### FERC locked in stalemate over Mountain Valley pipeline

The Mountain Valley Pipeline could face further delays after the Federal Energy Regulatory Commission reached a tied vote on a request to bore under 69 streams and wetlands along 77 miles of the pipeline in West Virginia. The proposal was widely expected to be approved, and the agency could take up the issue again at a later date.

**Full Story:** The Roanoke Times (Va.) (1/19)



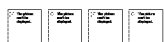
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## POLICY WATCH

### Federal court strikes down EPA's CPP replacement rule

The US Court of Appeals for the District of Columbia Circuit has dismissed the Affordable Clean Energy rule, an Environmental Protection Agency policy designed to replace the Obama-era Clean Power Plan. "Because promulgation of the ACE Rule and its embedded repeal of the [Obama] Clean Power Plan rested critically on a mistaken reading of the Clean Air Act, we vacate the ACE Rule and remand to the Agency," wrote the judges.

**Full Story:** Reuters (1/19)



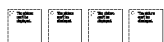
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## SPECIAL FROM THE SHALE SMARTBRIEF

### Permian Basin gas flaring drops to 8-year low in Q4

The share of natural gas production flared at the wellhead in the Permian Basin has dropped to 1.6% in the fourth quarter of 2020, the lowest level since 2012, according to Rystad Energy. About 390 million cubic feet per day of gas was flared during the quarter, with declines recorded across all sub-basins, except for the Delaware North in New Mexico.

**Full Story:** Houston Chronicle (tiered subscription model) (1/15)







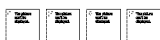
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## API UPDATE

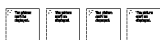
### **API eLearning Training Course | RP 1175, Pipeline Leak Detection Program Management | Now Available in Portuguese**

This eLearning course is designed to provide pipeline operator personnel, practitioners, and regulators with an overview and application of LDP management while also demonstrating how the implementation and maintenance of sound LDP management processes will drive continuous improvement in leak detection performance. Executive leadership and management will also be educated on the use of API and industry tools and programs. To register and to learn about other eLearning courses and webinars on topics related to significant API standards, API programs and industry safety, visit API Learning.



### **API Process Safety Site Assessment Program Webinar Series**

These free on-demand webinars hosted by API's Process Safety Site Assessment Program (PSSAP®) summarize the new Product Storage and Transfer Protocol, review the new Incident Learning protocol available for site assessments and highlight the proposed changes to API RP 751 Rev 5. To learn more and to register, visit API Learning.



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Joseph Campbell,  
writer, editor, educator



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**Sent:** 1/19/2021 2:42:19 PM  
**To:** Starfield, Lawrence [Starfield.Lawrence@epa.gov]  
**Subject:** EPA considering blanket biofuel waiver for oil refiners

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January 19, 2021

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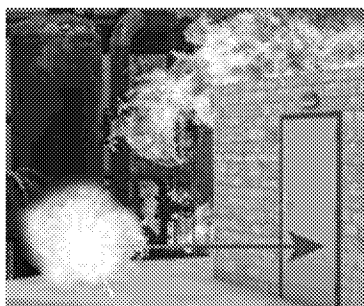
An advertisement for ASSA ABLOY. The background is a black and white photograph of an industrial setting. On the left, there's a large valve or pipe with the ASSA ABLOY logo. In the center, there's a bright explosion or fire. On the right, there's a door. Overlaid text reads: "When an explosion strikes, your last line of defense is the door you're standing behind." Below this, it says "Experience a safer and more open world". There's a "LEARN MORE" button with a right-pointing arrow. A large right-pointing arrow also points towards the door.

TOP STORY

**North America E&Ps set to raise capital spending**

Exploration and production spending by North American players is set to increase for the first time since 2018 this year, with US and Canadian operators seen raising capital expenditures by 5.4% and 3%, respectively, from a year ago, according to Evercore ISI analysts. Other analysts from Rystad Energy and BofA Global Research echoed Evercore's prediction, saying that Saudi Arabia's recent production cuts could encourage US shale drillers to ramp up production more than most expect.

**Full Story:** Natural Gas Intelligence (tiered subscription model) (1/14)



### **Protection from explosions.**

When a blast strikes, your last line of defense is the door you're standing behind. ASSA ABLOY's blast resistant door assembly was independently tested and proven to meet industry standard post-blast performance so it will minimize injury to personnel and damage to equipment. [Read more.](#)

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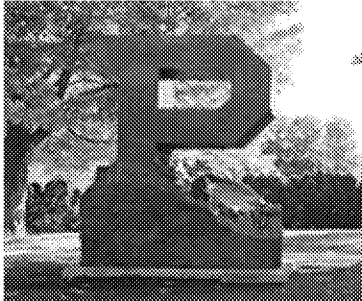
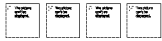
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## **INDUSTRY NEWS**

### **Canada in last-ditch effort to save Keystone XL project**

Amid reports that President-elect Joe Biden plans to revoke a permit for the \$8 billion Keystone XL oil pipeline on his first day in office, Jason Kenney, the premier of the Canadian province of Alberta, threatened to seek damages and urged Canadian Prime Minister Justin Trudeau step up pressure on Biden. "This is the 11th hour and if this really is the top priority, as it should be, then we need the government of Canada to stand up for Canadian workers, for Canadian jobs, for the Canadian-U.S. relationship, right now," Kenney said.

**Full Story:** Reuters (1/18), BBC (free registration) (1/18)



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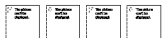
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## EXPLORATION & PRODUCTION

### US rig count posts double-digit rise

The number of active oil and natural gas rigs in the US jumped by 13 last week to 373, with the Permian Basin leading the increase with 10 additions, according to Baker Hughes. The Eagle Ford Shale also gained two units, while the Haynesville Shale added one.

**Full Story:** Houston Chronicle (tiered subscription model) (1/15)





### **You need a workplace reopening strategy**

Many businesses are gearing up to reopen their offices and workplaces. If you're involved with facilities management or HR at your organization, you know it's crucial to monitor workplace sanitization and employee health – without impinging on workers' privacy. But how? Watch the on-demand webinar to find out.

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#### **POLICY WATCH**

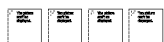
### **EPA considering blanket biofuel waiver for oil refiners**

The Environmental Protection Agency is seeking public comment on a proposed general waiver that would exempt oil refiners from Renewable Fuel Standard blend requirements



for the 2019 and 2020 compliance years. The EPA is also proposing labeling changes for gasoline with higher ethanol content, to which the American Petroleum Institute and other industry groups have responded with criticism and concern.

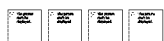
**Full Story:** Reuters (1/15)



## **FERC: Energy workers should get vaccine priority**

The Federal Energy Regulatory Commission has asked the Centers for Disease Control and Prevention to prioritize COVID-19 vaccines for energy workforce members who are essential to "keep the lights on in the face of the COVID-19 pandemic." "Those workers' duties can only be performed on-site, usually in close quarters, where full adherence to social distancing guidelines is impossible," the FERC commissioners wrote in a letter.

**Full Story:** Power Engineering (1/14)



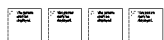
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### **SPECIAL FROM THE SHALE SMARTBRIEF**

## **UAE urges US shale firms to resist ramping up production**

United Arab Emirates Energy Minister Suhail Al Mazrouei urged US shale operators to continue to show production restraint until the market rebalances and warned that attempts to increase production could hamper the oil price recovery. Mazrouei expects global oil demand to reach pre-pandemic levels again by the end of 2021 or early 2022.

**Full Story:** Yahoo/Bloomberg (1/13)



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### **API UPDATE**

## API Significant Standard | API 1183 - Assessment and Management of Dents in Pipelines

API Recommended Practice (RP) 1183, Assessment and Management of Dents in Pipelines has been published. The new RP is designed to help maintain the structural integrity of pipelines by addressing mechanical issues. It gives operators the tools needed to help ensure pipeline infrastructure is safe, reliable, and efficient. [Learn more.](#)



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*Do not let what you cannot do interfere with what you can do.*

John Wooden,  
college basketball coach



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**Sent:** 1/15/2021 3:03:23 PM  
**To:** Starfield, Lawrence [Starfield.Lawrence@epa.gov]  
**Subject:** BLM auctions off oil, gas leases in four states

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January 15, 2021

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US Oil, April 2020

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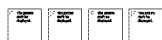
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TOP STORY

**Higher oil prices prompt shale drillers to hedge**

The recent oil price rally is encouraging US shale producers to step up hedging for future production, with an indicator of hedging activity hitting a five-month high in December, according to the Commodity Futures Trading Commission. "Producers locked in a certain amount of wells at a certain price and hedging at \$50 makes you look like a rockstar. This year will be about free cash flow," one shale executive said.

**Full Story:** Reuters (1/15)



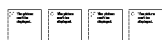
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## INDUSTRY NEWS

### **Chevron backs carbon capture startup Blue Planet Systems**

Chevron has invested an undisclosed amount in Blue Planet Systems, a startup that develops carbon capture technology for converting flue gas from refineries and other industrial facilities into building materials. The two companies also signed a letter of intent to work together on pilot projects and the commercialization of the technology.

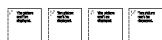
**Full Story:** S&P Global Platts (free registration) (1/14)



### **Tellurian may break ground on Driftwood LNG this summer**

Tellurian is planning to begin construction on the \$16.8 billion Driftwood LNG export plant in Louisiana this summer, said co-founder and executive chairman Charif Souki, noting that there's been a substantial increase in customer interest in the past month. Driftwood LNG will have a production capacity of 18.1 million short tons per year when the first phase of the project is completed in 2025.

**Full Story:** Reuters (1/15)



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## EXPLORATION & PRODUCTION

## **OPEC: US shale output to pick up in second half of 2021**

The oil rally will encourage US shale operators to pump more oil in the second half of the year, according to OPEC, which expects US shale production to jump by 70,000 barrels per day this year to 7.37 million bpd. Meanwhile, global oil demand is seen increasing by 5.90 million bpd to 95.91 million bpd.

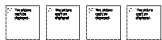
**Full Story:** Reuters (1/14)



## **BLM auctions off oil, gas leases in four states**

The Bureau of Land Management's final oil and natural gas lease auction under the Trump administration took place on Thursday, generating about \$4.1 million in proceeds from the sale of 37 parcels covering roughly 6,848 acres of federal land in New Mexico, Texas, Kansas and Oklahoma. Most of the land made available was in New Mexico's Eddy and Lea counties.

**Full Story:** Carlsbad Current-Argus (N.M.) (tiered subscription model) (1/15)



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### **POLICY WATCH**

## **US close to finalizing revised royalty calculations rule**

The Trump administration is expected to publish today in the Federal Register a rule that would change how royalty payments for energy production on public lands are calculated by using an average weekly benchmark price and allowing higher deductions for transportation and processing costs. The rulemaking was initiated following a 2019 letter from the American Petroleum Institute.

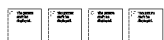
**Full Story:** The Hill (1/14)



## **OCC quickly finalizes fair-access rule**

The Office of the Comptroller of the Currency has formalized a rule that prohibits banks from refusing to offer loans or other services to firms in potentially controversial industries. The banking industry largely opposes the rule, finalized shortly before Brian Brooks' departure as acting comptroller of the currency.

**Full Story:** The Wall Street Journal (1/14), CNBC (1/14), American Banker online (subscription required) (1/14)



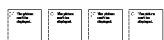
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## SPECIAL FROM THE SHALE SMARTBRIEF

### Appalachian gas output nears records

Appalachian natural gas production has averaged 33.8 billion cubic feet per day so far in January, just 460 million cubic feet per day short of a single-day record set in mid-December, as strong cash and forward gas prices encourage producers to pump more, according to S&P Global Platts Analytics. Prices have gotten a boost lately from robust demand in the US Northeast and shrinking regional inventories.

**Full Story:** S&P Global Platts (free registration) (1/12)



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## API UPDATE

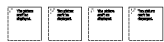
### EVENT | 2021 Exploration & Production Winter Standards Meeting, Jan. 11-21, Virtual

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advances rolling out. These virtual meetings will be held over a two-week period, January 11-15, 2021, and January 18-21, 2021.

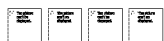
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## API Training Course - Virtual Dates Now Available | Spec Q2 Fundamentals and Practitioner

Using practical examples and hands-on application, this course is designed to progressively give you introductory to advanced knowledge of Q2 requirements and interpretations. To learn more about this course and to register, visit the [API-U Calendar](#).

Presented by: ICO Intl. Group, Jan. 12-15; Inserpetrol, Jan. 18-21; Mireaux Mgmt. Solutions, Jan. 19-22; Global Corp. Solutions, Jan. 21-29; AVN Prof. Quality, Jan. 25-28; Career Perf. Enhancement, Jan. 25-28; Veritas, Feb. 1-4; Global Mgmt. Solutions, Feb. 16-19.



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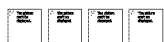
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### EDITOR'S NOTE

## SmartBrief will not publish Monday

In observance of Martin Luther King Jr. Day in the US, SmartBrief will not publish Monday. Publication will resume Tuesday.



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Melinda Gates,  
philanthropist, advocate for women and girls



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**From:** API SmartBrief [api@smartbrief.com]  
**Sent:** 1/13/2021 3:14:20 PM  
**To:** Starfield, Lawrence [Starfield.Lawrence@epa.gov]  
**Subject:** Line 5 to remain open despite Mich.'s shutdown order

API SmartBrief

Created for [starfield.lawrence@epa.gov](#) | [Web Version](#)

January 13, 2021

News for the natural gas and oil industry

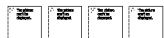
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## TOP STORY

### EIA projects smaller US oil output decline in 2021

The Energy Information Administration expects US oil production to slide by 190,000 barrels per day this year to 11.1 million bpd, compared to a previously forecast decline of 240,000 bpd, while US petroleum and other liquid fuel demand should rise by 1.45 million bpd to 19.51 million bpd. The agency also revised upward its 2021 oil price forecasts to an average \$52.75 per barrel for Brent crude and \$49.75 per barrel for West Texas Intermediate crude.

**Full Story:** [Reuters \(1/12\)](#), [S&P Global Platts \(free registration\) \(1/12\)](#)





### Should you take a closer look?

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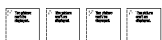
**S&P Global**  
Platts

## INDUSTRY NEWS

### Line 5 to remain open despite Mich.'s shutdown order

Enbridge plans to continue to operate its Line 5 oil pipeline under the Great Lakes' Straits of Mackinac, in defiance of Michigan Gov. Gretchen Whitmer's order to shut down the system over repeated violations of the terms of a 1953 state easement. "The governor's notice is actually based on inaccurate and outdated information that ignores the current condition of the dual pipelines," said Enbridge Vice President of US operations Mike Koby, calling Whitmer's decision biased and political.

**Full Story:** The Associated Press (1/12)



### API reports drop in US crude inventories

US crude stockpiles edged down by 5.8 million barrels last week, while gasoline and distillate inventories swelled by 1.9 million barrels and 4.4 million barrels, respectively, the American Petroleum Institute reported.

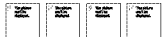
**Full Story:** MarketWatch (tiered subscription model) (1/12)



## Oil and gas workers suffer pay cuts during the pandemic

A report by Airswift's Global Energy Talent Index reveals the toll the coronavirus pandemic has taken on the global oil and natural gas workforce, with roughly 30% of the 16,000 workers surveyed taking pay cuts in 2020. Fewer workers got a raise in 2020 than the year before, and 78% reported greater anxiety about job security.

**Full Story:** Reuters (1/12)



### You need a workplace reopening strategy

Many businesses are gearing up to reopen their offices and workplaces. If you're involved with facilities management or HR at your organization, you know it's crucial to monitor workplace sanitization and employee health – without impinging on workers' privacy. But how? Watch the on-demand webinar to find out.

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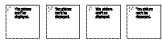
## POLICY WATCH

### Pa. lawmakers seek to reverse Delaware River drilling ban

A group of Republican lawmakers in Pennsylvania has filed a lawsuit in federal court challenging the Delaware River Basin Commission's de facto ban on natural gas drilling and hydraulic fracturing in the Delaware River basin. The plaintiffs claim the DRBC

exceeded the scope of its authority in adopting a ban that has had "deleterious effects" on private landowners, the state economy and the gas industry.

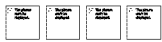
**Full Story:** The Associated Press (1/12)



## **How Biden will tackle Trump's deregulatory agenda**

The Biden administration will likely begin unraveling the Trump administration's deregulatory policies by first asking courts to pause all litigation activity while the administration considers its next steps. Addressing Trump's changes to the Waters of the US rule, Clean Power Plan and federal court system are expected to be top priorities.

**Full Story:** E&E News (subscription required) (1/11)



## **Bertrand to become EPA acting administrator on Jan. 20**

The Environmental Protection Agency updated its succession plan on Friday, positioning Charlotte Bertrand to assume the role of acting administrator on Jan. 20. President-elect Joe Biden intends to nominate Michael Regan to serve as EPA administrator.

**Full Story:** The Hill (1/11)



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SPECIAL FROM THE SHALE SMARTBRIEF

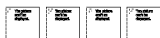
## **Shale profitability may get boost from Saudi cuts**

Saudi Arabia's recent decision to extend its oil production cuts through March could help US shale producers improve their bottom lines, as long as they stick to their commitments to rein in production growth, and prioritize investor returns and debt repayment. Shale operators may see cash flow from operations jump by 32% this year



thanks to reduced oilfield service costs and higher oil prices, according to Rystad Energy.

**Full Story:** Reuters (1/10)



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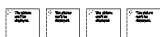
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## API UPDATE

### **Course Offering | API 578 Positive Material Identification (PMI)**

This course covers API Recommended Practice 578 Positive Material Identification (PMI) using XRF/OES/LIBS technologies. Participants will gain an understanding of API RP 578 guidelines and application procedures, as well as a technical understanding of XRF/OES/LIBS. To learn more about this course and to register, visit the [API-U Calendar](#).

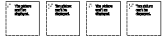
Presented by: Metal Analysis Group, Jan. 12-13; Analytical Training Consultants, Feb. 17-18.



### **EVENT | 2021 Exploration & Production Winter Standards Meeting, Jan. 11-21, Virtual**

Join the Committee on Standardization of Oilfield Equipment and Materials (CSOEM) for an invaluable opportunity to be a part of how the U.S. petroleum industry develops and maintains state-of-the-art standards. Keep up with the latest ideas and technologies, gain knowledge, and stay technically competent, while helping to keep industry advances rolling out. These virtual meetings will be held over a two-week period, January 11-15, 2021, and January 18-21, 2021.

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Indra Nooyi,  
business executive



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Message

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**From:** API SmartBrief [api@smartbrief.com]  
**Sent:** 1/6/2021 3:09:36 PM  
**To:** Starfield, Lawrence [Starfield.Lawrence@epa.gov]  
**Subject:** Judge rejects bid to block Arctic refuge lease sale

API SmartBrief

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**January 6, 2021**

News for the natural gas and oil industry

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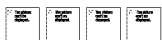
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**TOP STORY**

## **Judge rejects bid to block Arctic refuge lease sale**

US District Court Judge Sharon Gleason on Tuesday ruled that the Trump administration can move forward with an auction of drilling rights in Alaska's Arctic National Wildlife Refuge, dealing a blow to environmentalists and Indigenous groups who had sought to halt the sale. The Bureau of Land Management will start taking bids on more than 1 million acres of the refuge during a live video broadcast today.

**Full Story:** [The Associated Press \(1/6\)](#), [Reuters \(1/6\)](#)





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## INDUSTRY NEWS

### Double E Pipeline seeks permission to begin construction

Summit Midstream Partners and ExxonMobil have requested permission from US energy regulators to kick off construction of their proposed 135-mile Double E Pipeline in Texas and New Mexico. The project would transport roughly 1.35 billion cubic feet of natural gas per day from the Permian Basin's Delaware portion to the Waha hub in West Texas and should come online this year.

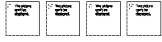
**Full Story:** Reuters (1/5)



### Oil rallies after Saudi Arabia pledges to cut production

West Texas Intermediate prices breached the \$50 per barrel mark for the first time since February on Tuesday and settled 4.85% higher at \$49.93 per barrel after Saudi Arabia said it would curb its oil production by 1 million bpd throughout February and March. Brent crude futures, meanwhile, rose 4.9% to close at \$53.60 per barrel.

**Full Story:** CNBC (1/5)



## US crude inventories down in latest API data

US crude stockpiles declined by 1.7 million barrels last week, while gasoline and distillate supplies surged by 5.5 million barrels and 7.1 million barrels, respectively, according to the American Petroleum Institute.

**Full Story:** MarketWatch (tiered subscription model) (1/5)



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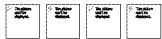
### POLICY WATCH

## Banks, states raise objections to pair of OCC proposals

Banks are calling on the Office of the Comptroller of the Currency to abandon its proposed "fair access" rule, which would oblige them to deal with industry sectors such as fossil fuels, prisons and firearms that could potentially harm their reputations.

Meanwhile, several US states are suing the OCC over its "true lender" rule, which they say will negate their ability to clamp down on unfair lending rates.

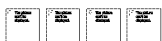
**Full Story:** Bloomberg (1/5), Reuters (1/5)



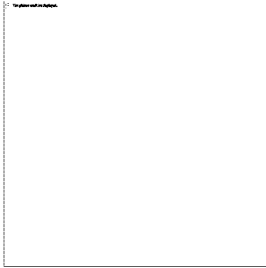
## Potential rule changes could delay Mountain Valley line

Proposed changes to Virginia's stream-crossing regulations to bar pipelines more than 36 inches in diameter from using Nationwide Permit 12 may force Mountain Valley Pipeline, which uses 42-inch diameter pipe, to apply for individual stream-crossing permits. This could push the project's completion to 2022, according to analysts at Height Capital Markets.

**Full Story:** The Roanoke Times (Va.) (1/5)



## Wheeler: EPA science rule puts transparency first



Wheeler (Pool/Getty Images)

The Environmental Protection Agency's science in rulemaking rule is designed to increase transparency and encourage the use of sound science, despite critics' claims, writes Administrator Andrew Wheeler. "By shining light on the science we use in decisions, we are helping to restore trust in government," Wheeler writes.

**Full Story:** The Wall Street Journal (1/4), The Wall Street Journal (1/4)



## SPECIAL FROM THE SHALE SMARTBRIEF

### Dallas Fed survey: Oil, gas activity improved in Q4

The latest Energy Survey from the Federal Reserve Bank of Dallas shows the oil and natural gas industry in the 11th Federal Reserve District gained some momentum in the fourth quarter, with the business activity index climbing to 18.5 from a negative 6.6 in the third quarter. Nearly 35% of the oil and gas executives surveyed expect West Texas Intermediate prices to average \$50 to \$55 per barrel by year's end, while roughly 50% anticipate increased capital spending in 2021.

**Full Story:** Reuters (12/30), Midland Reporter-Telegram (Texas) (1/1)



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*Do the best you can until you know better. Then when you know better, do better.*



Maya Angelou,  
poet, writer, screenwriter, educator



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Message

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**From:** Cathe Kalisz [kaliszc@api.org]  
**Sent:** 11/16/2020 8:45:06 PM  
**To:** Wheeler, Andrew [wheeler.andrew@epa.gov]  
**CC:** Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Cozzie, David [Cozzie.David@epa.gov]; Marsh, Karen [Marsh.Karen@epa.gov]; Fruh, Steve [Fruh.Steve@epa.gov]  
**Subject:** NSPS OOOOa Technical Rule - Petition for Administrative Reconsideration  
**Attachments:** OOOOa Tech. Amendments - Petition for Reconsideration 11.16.20.pdf

Please see the attached petition for administrative reconsideration.

**Cathe Kalisz, P.E.**  
Senior Policy Advisor  
Upstream Policy

o: 202.682.8318  
e: kaliszc@api.org

[www.api.org](http://www.api.org)



November 16, 2020

Via email

The Honorable Andrew R. Wheeler, Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

**RE: Request for Administrative Reconsideration of EPA's "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration"; Final Amendments**

Dear Administrator Wheeler:

The American Petroleum Institute ("API") hereby submits this petition for administrative reconsideration of the final technical amendments rule entitled "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration," published at 85 Fed. Reg. 57398 (September 15, 2020) ("Subpart OOOOa").

Pursuant to section 307(d)(7)(B) of the Clean Air Act ("CAA"), 42 U.S.C. § 7607(d)(7)(B), where it is impracticable to raise an objection during the period of public comment or if the grounds for such an objection arise after the public comment period (but within the time specified for judicial review), and if such objections are of central relevance to the outcome of the rule, the U.S. Environmental Protection Agency ("EPA" or "Agency") is required to reconsider a rule. As explained more fully in the attachment to this letter, the new restriction that semiannual leak detection and repair (LDAR) monitoring surveys for well sites and compressor stations must be conducted no more than 7 months apart meets the criteria for reconsideration.

In addition, while we appreciate the improvements to the recordkeeping provisions of the rule, API believes that the rule can be further improved by EPA revising the expanded information required to be recorded and reported in the deviation reports for all of the affected facility source types. Expanded deviation information records kept by the facility should not have to be duplicated in annual reports. While this provision was proposed, we believe, as explained more fully in the attachment, that this requirement provides additional burden to facilities without additional environmental benefits, and the rule could be improved by removing this section.

API represents all segments of America's oil and natural gas industry. Our more than 600 members produce, process and distribute most of the nation's energy. The industry supports more than ten million U.S. jobs and is backed by a growing grassroots movement of millions of Americans. API was formed in 1919 as a standards-setting organization. In our first 100 years, API has developed more than 700 standards to enhance operational and environmental safety, efficiency and sustainability. Most of

The Honorable Andrew Wheeler

November 16, 2020

Page 2

our members conduct oil and gas development and production operations and, thus, will be directly impacted by this final rule.

Thank you for your consideration of this request for administrative reconsideration. We look forward to continuing to work with the Agency on improving the rule. Please do not hesitate to have your staff contact Cathe Kalisz at [kaliszc@api.org](mailto:kaliszc@api.org) (202.682.8318) if you have questions or need more information.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Tsirigotis", with a stylized flourish at the end.

Attachment

cc:

Peter Tsirigotis – USEPA

[Tsirigotis.peter@Epa.gov](mailto:Tsirigotis.peter@Epa.gov)

David Cozzie - USEPA

[Cozzie.david@epa.gov](mailto:Cozzie.david@epa.gov)

Karen Marsh – USEPA

[Marsh.karen@epa.gov](mailto:Marsh.karen@epa.gov)

Steve Fruh – USEPA

[Fruh.steve@epa.gov](mailto:Fruh.steve@epa.gov)

## ATTACHMENT

### API NSPS OOOOa Technical Amendments Reconsideration and Other Issues

1. EPA added a new restriction that semiannual leak detection and repair (LDAR) monitoring surveys for well sites and compressor stations must be conducted no more than 7 months apart. This added restriction was not proposed by EPA, and will make it difficult for companies with numerous affected facilities to schedule monitoring surveys.

For well sites, the final technical amendments added a restriction to §60.5397(g)(1) that semiannual LDAR monitoring surveys must be conducted no more than 7 months apart. This restriction was added to the existing restriction in the previous rule that surveys must be conducted at least 4 months apart. The additional restriction was not included in the proposed “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration,” published at 83 Fed. Reg. 52056 (October 15, 2018) (“Proposed Reconsideration”), nor did EPA discuss the reasoning for the additional restriction in the preamble to the Subpart OOOOa rule.

In its 2016 Request for Reconsideration, API commented on the time interval between semiannual LDAR surveys conducted in the Alaska North Slope. API believes it should be afforded the same opportunity to comment on the addition of the upper time interval of 7 months that EPA added to the final rule.

For compressor stations, along with the survey frequency being revised to semiannual, EPA revised the monitoring survey window in §60.5397(g)(2) to be consistent with well sites, that is, semiannual monitoring surveys at compressor stations. However, EPA also expanded the prior requirement for semiannual surveys to be conducted at least four months apart to also include the requirement that the surveys be no more than 7 months apart.

In the Proposed Reconsideration, EPA proposed that the surveys at compressor stations must be conducted at least 4 months apart and no more than 6 months apart, but did not include any changes relative to the timing for well sites. As EPA is aware, there are far more well sites than compressor stations and, as a result, the additional logistical burden relative to ensuring proper scheduling of surveys is not trivial, especially when one considers that there will be an ever increasing number of sites subject to surveying, growing to hundreds and thousands for many companies over time. EPA’s 2016 Regulatory Impact Analysis for Subpart OOOOa estimated that by 2025, there would be nearly 200 times as many well sites as compressor stations (190,000 vs. 960)<sup>1</sup>.

API understands that in order for the two monitoring surveys conducted during a calendar year to accurately represent the temporal characteristics of fugitive emissions from well site and compressor station components, the surveys cannot be conducted too close together (e.g., at least four months apart).

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<sup>1</sup> <https://www.regulations.gov/contentStreamer?documentId=EPA-HQ-OAR-2010-0505-7630&contentType=pdf> (Table 6-14).

The additional 7-month restriction, ostensibly to prevent the surveys from being conducted too far apart, adds an additional constraint to when the monitoring surveys must be conducted, and this will make it much more difficult for companies with numerous affected facilities to schedule and conduct surveys.

API notes that other EPA rules, such as 40 CFR Part 60 Subpart VVa, do not include a similar upper bound on the survey interval. In fact, Subpart VVa allows monitoring to be adjusted to accommodate the source's operations. An owner or operator is permitted to monitor at any time during the specified monitoring period (e.g., year), "... provided the monitoring is conducted at a reasonable interval after completion of the last monitoring campaign." (§60.482-1a(f)(3)) For example, the rule only requires that "(w)hen monitoring is conducted semiannually (i.e., once every 2 quarters), monitoring events must be separated by at least 60 calendar days." (§60.482-1a(f)(3)(iii)).

Operators attempt to conduct surveys 6 months apart but logistically it is not always feasible to meet the timeframe. If site conditions are such that a survey cannot be done as planned and has to be rescheduled, the reschedule date may be outside of the 7-month interval. Even if the 7-month timeframe can be met in these situations, it can sometimes create operational and maintenance inefficiencies. The additional 7-month restriction may also result in scheduling problems for facilities that experience harsh winter conditions. For example, in North Dakota, the average and mean highs in December, January and February are below freezing. Surveys during these months are challenging due to safety and logistical issues. In addition, it is common for the wind speeds to be well above 25 mph in some areas, which may exceed the maximum wind speed allowed in the fugitive emissions monitoring plan and require surveys to be rescheduled. These challenges may cause a survey to be delayed, but still meet the 4-month separation and semiannual requirement. Flexibility is required to ensure that surveys can be completed safely and within the monitoring plan requirements.

2. EPA has expanded the breadth of information required to be recorded and reported in the deviation reports for all of the affected facility source types. Expanded deviation information records kept by the facility should not have to be duplicated in annual reports.

In the final OOOOa rule, EPA expanded the level of information required to be maintained in deviation records as well as required to be reported. Previously, the rule language required that a company report or keep "records of deviations". In the current rule, the level of detailed information is expanded to include "the date and time the deviation began, duration of the deviation and a description of the deviation."

In the final rule, §60.5420a(b) prescribes reporting requirements and §60.5420a(c) prescribes recordkeeping requirements for each of the affected facilities. The expanded deviation information that is required is listed in both subsections - reporting and recordkeeping. The final rule already requires that the expanded deviation information be recorded pursuant to §60.5420a(c). There is no need for all this detail be included in the annual reports required under §60.5420a(b). The detailed deviation information will be kept in the source's records and can be made available upon request by the permitting authority.



These expanded requirements are counter to EPA's stated intent to streamline implementation of the rule, including streamlining recordkeeping and recording requirements. For example, in the October 15, 2018 Reconsideration proposal (83 FR 52086), EPA expressed the desire to streamline reporting and recordkeeping requirements to reduce the burden on regulated industry, and in addition to proposing changes in these requirements, solicited additional ways to streamline reporting and recordkeeping. Then in the September 15, 2020 final technical amendments (85 FR 57409), EPA highlighted all of the requirements that were removed and revised with the objective of streamlining reporting and recordkeeping.

Additionally, the Regulatory Impact Analysis (RIA) issued with the final rule stated (P. 3-8):

"Streamlined recordkeeping and reporting requirements: This final rule amends recordkeeping and reporting requirements for well completions and fugitive emissions for well sites and compressor stations. For well completions, the number of data fields required to be recorded and reported have been reduced. For fugitive emissions, this rule includes several changes intended to streamline recordkeeping and reporting, including replacing the sitemap and observation path requirement with other procedures that ensure that all components are monitored during each survey."

The RIA does not discuss or appear to consider the additional reporting requirements relative to deviations included in the final rule.

Message

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**From:** Jay Timmons [JTimmons@nam.org]  
**Sent:** 11/13/2020 3:08:03 PM  
**To:** Wheeler, Andrew [wheeler.andrew@epa.gov]  
**Subject:** Checking in

Andy,

Just checking in on you - I know the last few weeks have been a roller coaster. Hope you and your family are doing well and staying safe.

Best,

Jay

**Jay Timmons**  
President and CEO  
National Association of Manufacturers  
Direct: 202.637.3043  
Email: [jtimmons@nam.org](mailto:jtimmons@nam.org)

Message

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**From:** Hewitt, James [hewitt.james@epa.gov]  
**Sent:** 1/6/2021 12:53:07 AM  
**To:** adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]  
**Subject:** Fwd: Please pass on to Administrator Wheeler -- from Kent Lassman at the Competitive Enterprise Institute.

See below from Kent.

Sent from my iPhone

Begin forwarded message:

**From:** Kent Lassman <Kent.Lassman@cei.org>  
**Date:** January 5, 2021 at 7:10:40 PM EST  
**To:** "Hewitt, James" <hewitt.james@epa.gov>  
**Subject:** Please pass on to Administrator Wheeler -- from Kent Lassman at the Competitive Enterprise Institute.

Administrator Wheeler –

Congratulations on the development and promulgation of a rule that will certainly improve accountability at the agency.

Though I've said it publicly many times, it is worth a moment to be perfectly clear with you in private correspondence: I believe your leadership at the EPA in the past several years has done as much to improve how a regulatory agency works and the relationship between Americans and the regulatory state as any other comparable point of reference. You were called to serve and did so ably. The agency and fidelity to the law are better for it.

Thank you.

Clearly, there have been and will continue to be areas where we come to differing conclusions. Some are legal questions and others are simply prudential; all have been handled professionally and with integrity.

I made a note to myself this morning to make sure to drop a line of gratitude. I appreciate your willingness to work with us on the forum this morning and what your team does week-in and week-out. Looking back at this note before I hit send, I see that it covers a bit more ground. Nonetheless, thanks for the good work on the science transparency rule.

Very best to you and your team,

Kent  
@KentatCEI  
The Competitive Enterprise Institute  
*...expanding the boundaries of freedom*